

1 **RCO LEGAL, PS**

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7 File No.: 235281
8 Attorneys for Movant, Wells Fargo Bank, N.A.

9 **UNITED STATES BANKRUPTCY COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **OAKLAND DIVISION**

12 In re:

13 Lisa Genee Jue-Thompson and
14 Rickey Darnell Thompson

15 Debtor(s).

Bk. No. 17-41251-RLE
Judge Roger L. Efremsky
R.S. No.: JCK-038
Chapter 13

*STIPULATION TO MODIFY
AUTOMATIC STAY*

Preliminary Hearing:
Date: November 8, 2017
Time: 1:30 p.m.
Place: U.S. Bankruptcy Court
1300 Clay St.
Oakland, CA 94612
Courtroom 201

22
23 The undersigned Creditor, Wells Fargo Bank, N.A., its agents, assignees and/or
24 successors in interest ("Movant" hereinafter), through its counsel Jason Kolbe of RCO Legal,
25 P.S., and the above-named Debtors, through their counsel, David A. Arietta, hereby stipulate as
26 follows:
27
28

STIPULATION TO MODIFY STAY

1 1. The Debtors filed a Petition in this Court under Chapter 13 of the Bankruptcy Code on the
2 May 11, 2017.

3 2. Movant is the holder of a secured claim against the Debtors. The date upon which the
4 subject debt was incurred was January 20, 2006.

5 3. Movant holds a security interest or lien upon the following described property of the
6 estate: **4240 Mehaffey Way, Oakley, CA 94561-2217.**
7

8 4. As to Movant, the stay of 11 U.S.C. § 362(a) shall remain in effect subject to the
9 following terms and conditions:

- 10 a. The Debtors shall make regular monthly payments in the amount of \$1,334.19
11 commencing November 1, 2017. The amount of these payments may be subject to
12 change under the terms of the parties' original agreements. All payments due
13 Movant hereunder shall be paid to Movant at the following address:

14
15 Wells Fargo Bank, N.A.
16 Wells Fargo Operations Center
17 MAC B6955-01B
18 PO Box 31557
19 Billings, MT 59107

- 20 b. The Debtors shall cure the post-petition default computed through October 13,
21 2017 in the sum of \$3,837.17 (comprised of 1 missed payment of \$1,272.93, 2
22 missed payments of \$1,334.19 each, minus \$104.14 in suspense) as follows:

- 23 i. In equal monthly installments of \$639.53 each commencing November 15,
24 2017 and continuing thereafter through and including March 15, 2018 and
25 a 6th and final payment of \$639.52 due April 15, 2018 (6 months).

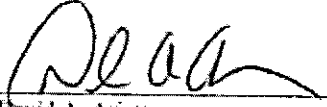
- 26 c. The Debtors shall maintain insurance coverage on the Property and shall remain
27 current on all taxes that fall due post-petition with regard to the Property.
28

- 1 d. Upon any default in the foregoing terms and conditions, Movant shall serve
2 written notice of default to Debtors and any attorney for Debtors. If Debtors fail
3 to cure the default within ten (10) calendar days after mailing of such written
4 notice, Movant may file and serve a declaration under penalty of perjury
5 specifying the default, together with a proposed order terminating the stay, which
6 the Court may grant without further notice or hearing.
7
8 e. The foregoing terms and conditions shall be binding only during the pendency of
9 this bankruptcy case. If, at any time, the stay is terminated with respect to the
10 Property by court order or by operation of law, the foregoing terms and conditions
11 shall cease to be binding and Movant may proceed to enforce its remedies under
12 applicable non-bankruptcy law against the Property and/or against the Debtors.
13
14 f. If Movant obtains relief from stay based on Debtors' defaults hereunder, the order
15 granting relief shall contain a waiver of the 14-day stay created by Federal Rule
16 of Bankruptcy Procedures 4001(a)(3).
17
18 g. Movant may accept any and all payments made pursuant to this Order without
19 prejudice to or waiver of any rights or remedies to which it would otherwise have
20 been entitled under non-bankruptcy law.

21 APPROVED AS TO FORM AND CONTENT BY:

22
23 Date:


10/30/17


David A. Arietta
Attorney for Debtors

24
25 Date:

11/3/2017

11/3/2017


Jason Kolbe
Attorney for Movant

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27
28 STIPULATION TO MODIFY STAY

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PROOF OF SERVICE

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22 Date: November 8, 2017
23 Time: 1:30 p.m.
24 Place: U.S. Bankruptcy Court
25 1300 Clay St.
26 Oakland, CA 94612
27 Courtroom 201

28 **PROOF OF SERVICE**

I declare: I am employed in the County of King, State of Washington. I am over the age of eighteen (18) years. My business address is 13555 SE 36th St., Suite 300, Bellevue, WA 98006. On the date stated below, I served the within **STIPULATION TO MODIFY AUTOMATIC STAY, [PROPOSED] ORDER MODIFYING AUTOMATIC STAY** on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope via postage prepaid, regular first class mail and/or electronic service as follows:

PROOF OF SERVICE


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Rickey Darnell Thompson
4240 Mehaffey Way
Oakley, CA 94561

Martha G. Bronitsky
13trustee@oak13.com

US Trustee (OAK)
USTPRegion17.OA.ECF@usdoj.gov

Service was made on November 3rd, 2017 at Bellevue, Washington. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

By: 

PROOF OF SERVICE